

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, February 7, 2012, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman Valerie Joh  
Alderman Benjamin K. Mallicote  
Alderman Michael McIntire

Vice Mayor Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Christopher Morris.
- II.B. **INVOCATION:** By Gary Bement, Retired Pastor & Air Force Chaplain.
- III. **ROLL CALL:** By City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Mayor Phillips and City Manager Campbell presented a plaque to Dr. Richard Kitzmiller in light of his retirement as Superintendent of Kingsport City Schools.
- V. **APPROVAL OF MINUTES.**

Motion/Second: McIntire/Mallicote, to approve minutes for the following meetings:

- A. January 23, 2012 Regular Work Session
- B. January 24, 2012 Regular Business Meeting
- C. February 1, 2012 Special Called Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Old Mill Annexation and Consideration of a Resolution Adopting the Plan of Services** (AF: 34-2012). City Planner Ken Weems provided information on this item, noting a public meeting was held on January 12, 2012 with about 45 residents in attendance. He further stated the planning commission voted to send a positive recommendation regarding this annexation. Alderman Joh pointed out

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that the reason a portion of Grandview Drive was not included at this time was because there was no sewer in that area.

**PUBLIC COMMENT ON ITEM VI.AA.1.** Mr. Bruce Dotson, 221 Trace Court spoke in opposition of this annexation.

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE OLD MILL ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FALL CREEK ROAD, WOODOAK DRIVE, GRANDVIEW COURT, OLD MILL ROAD, OLD MILL COURT, STONE COURT, AND TRACE COURT TO A-1, AGRICULTURAL DISTRICT, R-1B, RESIDENTIAL DISTRICT, R-3, RESIDENTIAL DISTRICT, AND B-1, NEIGHBORHOOD BUSINESS DISTRICT IN THE 7<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE Passed on first reading: All present voting "aye."

Motion/Second: Parham/McIntire, to pass:

**Resolution No. 2012-137**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE OLD MILL ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**2. Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 30 on Tax Maps 92G, 92J, 92O, 92I located at 252 Lebanon Road from R-1B Zoning to A-1 Zoning (AF: 33-2012).** City Planner Jason Meredith gave information on this item, noting he had actually received a call in support of this action.

**PUBLIC COMMENT ON ITEM VI.AA.2.** None.

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 252 LEBANON ROAD FROM R-1B, RESIDENTIAL DISTRICT TO A-1, AGRICULTURAL DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items.

Mr. Larry Wilson, 1806 Fordtown Road, spoke in opposition of the Border Regions Area 3 annexation and presented a petition to Mayor Phillips.

Mr. Martin Hale, 1207 Mitchell Road, also spoke against the Border Regions Area 3 annexation.

There being no one else coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance Amending Kingsport City Code Section 94-156(a) Pertaining to the Membership of the Sidewalk Board** (AF: 36-2012). Mayor Phillips explained he was asking to put another citizen at large on this board.

Motion/Second: Parham/Segelhorst, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, SECTION 94-156(a) RELATING TO THE CREATION AND DUTIES OF THE SIDEWALK BOARD; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of an Ordinance to Amend the FY12 General Purpose School Fund Budget** (AF: 40-2012). City Manager Campbell provided details on this item, stating this ordinance would set up the money for the school system to buy property on East Center Street across from the high school. Mr. Campbell further noted this would be a strategic move for long-range planning in regards to parking. He also pointed out the property received the same appraisal as it did almost ten years ago.

Motion/Second: Joh/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of Ordinances to Annex/Amend Zoning of the Border Regions Area 1 Annexation** (AF: 22-2012).

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Motion/Second: McIntire/Parham, to pass:

**ORDINANCE NO. 6169**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BORDER REGIONS AREA 1 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: Joh/Parham, to pass:

**ORDINANCE NO. 6170**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MITCHELL ROAD, BOB JOBE ROAD, EASTERN STAR ROAD, AND BACON ROAD TO A-1, AGRICULTURAL DISTRICT, AND M-1R, LIGHT INDUSTRIAL DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**2. Consideration of Ordinances to Annex/Amend Zoning of the  
Border Regions Area 2 Annexation (AF: 23-2012).**

Motion/Second: McIntire/Joh, to pass:

**ORDINANCE NO. 6171**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BORDER REGIONS AREA 2 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: McIntire/Parham, to pass:

**ORDINANCE NO. 6172**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MITCHELL ROAD TO A-1, AGRICULTURAL DISTRICT, IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

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**3. Consideration of Ordinances to Annex/Amend Zoning of the  
Border Regions Area 3 Annexation (AF: 24-2012).**

Motion/Second: McIntire/Parham, to pass:

**ORDINANCE NO. 6173**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BORDER REGIONS AREA 3 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: Parham/Mallicote, to pass:

**ORDINANCE NO. 6174**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MITCHELL ROAD, FORDTOWN ROAD, SNAPPS FERRY ROAD, COX HOLLOW ROAD, AND INTERSTATE 81 TO A-1, AGRICULTURAL DISTRICT, IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Awarding the Bid for the Purchase of Various Water and Sewer Maintenance Items to Southern Pipe & Supply, Consolidated Pipe & Supply, HD Supply Waterworks & G & C Supply (AF: 27-2012).** City Manager Campbell noted this was the annual bid process and only items over fifty thousand dollars were included.

Motion/Second: Segelhorst/Joh, to pass:

**Resolution No. 2012-138**, A RESOLUTION AWARDING THE BID FOR PURCHASE OF VARIOUS WATER AND SEWER MAINTENANCE ITEMS TO SOUTHERN PIPE & SUPPLY, CONSOLIDATED PIPE & SUPPLY, HD SUPPLY WATERWORKS AND G&C SUPPLY AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute All Documents to Receive Federal Aviation Administration Grant Funding for Improvement Projects at the Tri-Cities Regional Airport (AF: 29-2012).** City Manager Campbell pointed out this would keep the airport from having to bring every grant proposal before the Board.

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Motion/Second: Shupe/McIntire, to pass:

**Resolution No. 2012-139**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPROVE AND ACCEPT ONE OR MORE FEDERAL FISCAL YEAR 2012 GRANTS THROUGH THE FEDERAL AVIATION ADMINISTRATION FOR PROJECTS AT TRI-CITIES REGIONAL AIRPORT, TN/VA

Passed: All present voting "aye."

**3. Consideration of a Resolution Approving an Agreement with Chris and Dawn Bowen Pertaining to Maintenance of a Shared Parking Easement and Clean Up After Certain Events of an Additional Easement for Adjacentlly Owned Properties and Authorizing the Major to Execute the Same (AF: 35-2012).** City Manager Campbell provided information on this item, noting it related to the lot in front of the Chamber of Commerce. The new property owners have agreed to a parking easement and the use of their lot 120 days out of the year. Clean-up arrangements after events are also included in this agreement.

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2012-140**, A RESOLUTION APPROVING AN AGREEMENT WITH CHRIS AND DAWN BOWEN PERTAINING TO MAINTENANCE OF A SHARED PARKING EASEMENT AND CLEAN UP AFTER CERTAIN EVENTS OF AN ADDITIONAL EASEMENT FOR ADJACENTLY OWNED PROPERTIES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL DOCUMENTS TO EFFECTUATE THE PURPOSE OF THE AGREEMENT; AND AUTHORIZING THE MAYOR TO MAKE CERTAIN CHANGES TO THE AGREEMENT, IF NEEDED

Passed: All present voting "aye."

**4. Consideration of a Resolution to Approve a Change to the Contract with Building Systems Technology, Inc. for Network Cable Installation for the Kingsport City Schools Administrative Support Center and Authorize the Mayor to Execute All Applicable Documents (AF: 37-2012).**

Motion/Second: Joh/McIntire, to pass:

**Resolution No. 2012-141**, A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT WITH BUILDING SYSTEMS TECHNOLOGY, INC FOR NETWORK CABLE INSTALLATION FOR THE KINGSFORT CITY SCHOOLS ADMINISTRATIVE SUPPORT CENTER AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

**5. Consideration of a Resolution Awarding the Bid for the Construction of a Library at Thomas Jefferson Elementary School to Bracken & Associates, LLC and Authorizing the Mayor to Sign All Applicable Documents (AF: 41-2012).**

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Motion/Second: McIntire/Parham, to pass:

**Resolution No. 2012-142**, A RESOLUTION AWARDING THE BID FOR THE CONSTRUCTION OF A LIBRARY AT THOMAS JEFFERSON ELEMENTARY SCHOOL TO BRACKEN & ASSOCIATES, LLC.; AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME; AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Segelhorst/Joh, to adopt:

**1. Consideration of an Ordinance to Appropriate Funds to Purchase Furniture and Equipment for the East Stone Drive Fire Station (AF: 14-2012).**

Adopt:

**Ordinance No. 6175**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS TO COMPLETE THE FURNISHINGS FOR THE E. STONE DRIVE FIRE STATION FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Police Chief Gale Osborne gave a brief presentation on the synthetic drug issue. He provided a history of these investigations to the recently developed city ordinance. The Chief further stated that nine out of the ten stores that sold these products have quit selling them at this time and there is currently an open case awaiting lab reports from the Tennessee Bureau of Investigation. Chief Osborne also pointed out recent actions taken in Knoxville and noted the state legislature is scheduled to address this issue in March. Mayor Phillips commented on the length of time it takes to hear from the TBI. The possibility of looking into using other labs was discussed, although the Chief stated that would be much more costly. The Chief mentioned the need for resources, noting that if he had twice the amount of undercover officers it would still not be enough to combat the synthetic drugs and other drugs on the street.

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- B. MAYOR AND BOARD MEMBERS.** Alderman McIntire spoke to the synthetic drug issue and stated that, as a chemist, it was a time-consuming and tough job when analyzing an unknown substance.

Alderman Joh commented on the warmer weather, noting that flowers were blooming and spring was around the corner.

Alderman Mallicote declared that he would be challenging State Representative Tony Shipley in the Republican Primary in the August 2012 election. Mr. Mallicote further stated that as he would be embarking upon this campaign, he would not be able to do so effectively and still be able to devote the necessary time and attention to his duties as alderman. Mr. Mallicote stated that with great reluctance and sadness, he would be resigning as alderman, to be effective at the end of the next business meeting.

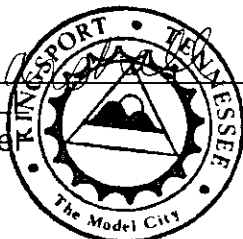
Mayor Phillips commended Alderman Mallicote for what he is doing, noting they had joined the Board together in 2005. The Mayor stated a lot has happened since then and that he would be difficult to replace. Mayor Phillips also stated his appreciation for all of the thoughts and prayers regarding the loss of his mother.

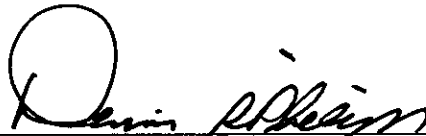
- C. VISITORS.** Mr. Martin Hale, 1207 Mitchell Road, commented on the Border Region Area 3 annexation. City Manager Campbell clarified a newspaper article that he questioned.

Ms. Mitzi Cox, 808 Cox Hollow Road, asked questions regarding the Border Region annexations. City Manager Campbell explained they would take effect in thirty days and that all affected residents would be receiving a letter from the City about what to expect.

- IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:07 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor